UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Civil No. 16-cv-3778 RHK/FLN

Judy Murphy

Plaintiff,

v.

SCHEDULING ORDER

Synchrony Bank,

Defendant.

Pursuant to Rule 16 of the Federal Rules of Civil Procedure and the Local Rules of this Court, and in order to secure the just, speedy, and inexpensive determination of this action, the following schedule shall govern this proceeding. The schedule may be modified only upon formal motion and a showing of good cause as required by Local Rule 16.3.

1. Discovery/Non-Dispositive Motions:

   a. All motions which seek to amend the pleadings or add parties must be filed and served by August 1, 2017.

   b. All discovery shall be commenced in time to be completed by October 1, 2017.

   c. All pre-discovery disclosures required by Rule 26(a)(1) shall be completed on or before April 1, 2017.

   d. No more than 25 interrogatories, including all discrete subparts, shall be served by any party.

   e. No more than 25 Requests for Admission shall be served by any party.

   f. No more than 25 Document Requests shall be served by any party.

g. No more than 6 non-expert depositions shall be taken by any party.

h. No more than 1 Rule 35 medical examinations shall be conducted, and must be completed on or before October 1, 2017.

i. All nondispositive motions and supporting documents, including those which relate to discovery, shall be filed and served by February 1, 2018. Nondispositive motions may be scheduled for hearing by calling Theresa Anderson, Calendar Clerk to Magistrate Judge Franklin L. Noel, 612-664-5110. All nondispositive motions shall be scheduled, filed and served in compliance with Local Rules 7.1 and 37.1.

2. Expert Disclosure and Discovery:

a. Disclosure of the identity of expert witnesses under Rule 26(a)(2)(A) shall be made as follows:

1) By all parties on or before October 1, 2017 with respect to initial experts

2) By all parties on or before December 1, 2017 with respect to rebuttal experts.

b. Full disclosure of the substance of the testimony to be offered by each expert witness shall be made as follows:

1) By all parties on or before October 1, 2017 with respect to initial expert reports.

2) By all parties on or before December 1, 2017 with respect to rebuttal expert reports.

c. Each party may depose no more than 2 expert witnesses on or before January 1, 2018.

d. Any expert testimony which has not been fully disclosed in accordance with this schedule shall be excluded from evidence at trial.

3. Other Discovery Issues:

a. The parties will submit a stipulated proposed protective order.

b. The parties will submit a proposed order regarding preservation, disclosure and production of Electronically Stored Documents.

c. The parties agree that a party should be required to request an informal conference with the Court before filing a discovery motion.

4. Dispositive Motions:

All dispositive motions shall be served, filed and heard on or before April 1, 2018. Notwithstanding the provisions of Local Rules 7.1(c)-(d), the following procedures shall apply to the dispositive motion[1] practice in this case:

a. The moving party shall first contact Judge Kyle's Courtroom Deputy, Kathy Thobe, at 651-848-1166 to secure a hearing date at least 42 days in the future. Once the moving party has secured a hearing date, it shall promptly file a notice of motion informing all parties of the nature of the motion and the date, time and location of the hearing.

b. The moving party shall serve and file the following documents at least 42 days before the scheduled hearing: (a) motion; (b) memorandum of law, and (c) affidavits and exhibits. The party shall provide Courtroom Deputy Kathy Thobe with two hard copies of its memorandum, affidavits and exhibits. Parties need not submit proposed orders with motions.

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[1] The following are deemed dispositive motions under this Order: motions for preliminary or permanent injunctive relief; motions to dismiss, for judgment on the pleadings or for summary judgment; motions to certify a class action; motions to exclude expert testimony under *Daubert v. Merrill Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993), and/or Federal Rule of Evidence 702; motions to remand or transfer; and motions to compel arbitration. Absent permission from the Court, a party moving for a temporary restraining order must file and serve its motion papers, in addition to the Summons and Complaint, on the proposed-enjoined party before the Court will entertain the motion. A motion for a temporary restraining order is not subject to the 42-day rule set forth below, rather, the Courtroom Deputy will advise the parties of the hearing date and briefing schedule. All motions for injunctive relief and motions to exclude expert testimony will be handled without live witness testimony absent advance permission from the Court.

c. The responding party shall serve and file the following documents at least 21 days before the hearing: (a) memorandum of law, and (b) affidavits and exhibits. The party shall provide Courtroom Deputy Kathy Thobe with two hard copies of its memorandum and any affidavits and exhibits.

d. The moving party shall serve and file the following documents at least 14 days before the hearing: (1) reply memorandum, or (b) a notice stating that no reply memorandum with be filed. A reply memorandum shall not raise new grounds for relief or present matters that do not relate to the response. The party shall provide Courtroom Deputy Kathy Thobe with two hard copies of its reply memorandum.

e. If the Court, *sua sponte*, cancels the hearing or continues the hearing date, all subsequently filed motion papers must be served as if the original hearing date was still in effect, unless otherwise directed by Judge Kyle.

f. Parties do not need to meet and confer, as required under Local Rule 7.1(a), in advance of filing a dispositive motion, although they are encouraged to do so to attempt to narrow the issues presented to the Court.

All other provisions in Local Rule 7.1 are unaffected by this Order and remain applicable, including the word limitation in Rule 7.1(f).

5. Trial:

a. This case shall be ready for trial on and after June 1, 2018, at which time it will be placed on the court's jury trial calendar.

b. Trial is estimated to last 2-3 trial days.

DATED: March 20, 2017

s/Franklin L. Noel
FRANKLIN L. NOEL
United States Magistrate Judge